

THE CITY OF WARWICK
STATE OF RHODE ISLAND

APPENDIX A

ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE RELATIVE TO AMENDMENT OF THE WARWICK ZONING
ORDINANCES: DEFINITIONS SECTION 200, ESTABLISHMENT AND
CLASSIFICATION OF DISTRICTS SECTION 300, (NEW SECTION) SPECIAL
REGULATIONS IN SECTION 509, ACCESSORY USE SECTIONS 601.2 AND 601.10 OF
APPENDIX A, ZONING ORDINANCES.

Be it ordained by the City of Warwick:

Section I. Appendix A of the City of Warwick Code of Ordinances is hereby amended as follows:

[. . .]

SECTION 200. - Definitions.

Contaminated site. A property (1) that has been identified and confirmed by the Rhode Island Department of Environmental Management (RIDEM) as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a “Letter of Compliance” or an “Interim Letter of Compliance,” and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction.

Solar energy system, accessory. A solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development including the following:

- (a) Roof or building-mounted energy-generating panels;
- (b) Solar canopies.

Energy Storage Facility, accessory. Facilities and structures for the storage of energy and the charging and discharging of power. Such facilities may include, but not be limited to, electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power to a building. The facility is

1 typically used to provide standby or emergency power, an uninterruptible power supply, load
2 shedding, load sharing or similar capabilities.

3

4 *Solar energy system, ground-mounted.* A solar energy system that has a support structure fixed or
5 secured to the ground through the use of structural footings, ballasts, and is restricted to
6 contaminated sites only.

7

8 *Solar energy system, roof- or building-mounted.* A solar energy system that is structurally mounted
9 to, structurally ballasted, or integrated into the design of the roof or any other architectural aspect
10 of a building or structure.

11 [. . .]

1 **SECTION 300. – Establishment and Classification of Districts.**

2
3
4
5

TABLE 1. USE REGULATIONS

Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	<i>Inter-modal</i>	<i>Gate-way</i>	<i>Village District</i>
600 Transportation, communication and utility uses:													
608 Electric Power Plant	No	S	No	No	No								
608 Accessory use solar canopy or rooftop	No	Yes	Yes	Yes	No	No	No						
612 Contaminated Site Solar energy system	No	Yes ²⁸	Yes ²⁸	No	No	No							
613 Accessory use energy storage facility	No	Yes	Yes	Yes	Yes	Yes							

6
7

²⁸Subject to all applicable review procedure and performance standards outlined in Section 509.

1 **509. - Administrative procedures for solar energy systems on contaminated sites.**

2
3 The purpose of this section is to spell out review procedures and standards for solar arrays for
4 contaminated properties.

5
6 509.1 Review procedures. Contaminated sites (i.e. brownfield sites) subject to solar energy
7 systems shall require Planning Board review in accordance with Major Land Development
8 review provisions.

9 Any system located in a historic overlay district in view of a public ROW as determined by
10 the Building Official, must obtain a Certificate of Appropriateness in accordance with Section
11 311.

12 509.2 Performance standards. These standards shall be required in addition to the Major Land
13 Development review procedures set forth by RIGL 45-23 and the City's Subdivision and Land
14 Development Regulations. The standards set forth herein will ensure that solar energy systems
15 are compatible with the surrounding area, provide for public safety, and minimize impacts on
16 scenic, natural, historic resources, and abutting properties.

- 17
- 18 (A) SES panels and equipment shall be sited (as evidenced by photographs taken from
19 abutting properties and rights of way) within the project site to minimize adverse visual
20 impacts to nearby properties and public rights of way.
 - 21 (B) All solar energy systems shall, at minimum, employ the setback requirements in Table
22 2 A & B. The Planning Board shall reserve the right to increase setbacks to minimize
23 visibility of the system as a result of information learned through public hearings.
 - 24 (C) The maximum height of a ground-mounted solar energy system shall be 10 feet.
 - 25 (D) To prevent glare on adjacent properties and mitigate public safety potential, only matte
26 finish, and non-reflective panels shall be utilized.
 - 27 (E) The applicant shall submit a pre-development noise study for which a baseline shall be
28 established indicating general background noise in perimeter areas adjacent to
29 neighbors averaged over several weeks. A post startup noise study shall be executed to
30 ensure no increase in noise occurs from the facility. Noise mitigation must be
31 employed for solar energy systems responsible for an increased decibel level of 3dB.
 - 32 (F) Accessibility for emergency service vehicles is required along with clearly-marked
33 procedures for shutting down the solar energy system.
 - 34 (G) A public safety preparedness and response plan detailing the standards, procedures, and
35 communication protocol to be utilized for the system and in the event of an emergency
36 shall be provided to the City's emergency management agency director, as well as
37 documentation indicating that the plan has been distributed to the fire department.
 - 38 (H) Contaminated sites shall be remediated and properly capped in accordance with State or
39 Federal remediation standards as part of the development.
 - 40 (I) No substantial clearing or grading of the proposed project site shall have occurred five
41 (5) years prior to submission of the application for an SES based on a review of aerial
42 photography provided by the applicant.

- 1 (J) Clearcutting outside of the immediate array area is prohibited unless required by
2 remediation permit. A reforestation plan prepared by a certified forester (CF) or
3 registered landscape architect shall be required to minimize view shed nuisance from
4 the perspective of abutters.
- 5 (1) A combination of natural vegetation, berms, fencing, walls, and other similar
6 features shall be used to visually buffer the system(s) from the view of abutting
7 properties, as well as mitigate noise, glare, or other potential nuisances.
- 8 (2) Buffer plantings shall be maintained for the life of the project by the owner,
9 applicant, and or operator of the facility.
- 10 (K) Neither blasting nor removal of ledge by mechanical means is allowed.
- 11 (L) Pollinator mix is required, shall be supported by a maintenance plan, and contain
12 annual reports supplied by the applicant's landscape architect until established.
13 Disturbed topsoil shall remain onsite unless removal is required by remediation
14 permit(s).
- 15 (M) Utility connections shall be underground, equipment screened from view with plantings
16 or fencing, and approved by the utility company as part of the Final Plan Application.
- 17 (1) Interconnection agreement shall be compliant with Code of Ordinance Section 74-
18 52, Renewable energy system tax exemption, and submitted with the Final Plan
19 Application.
- 20 (2) A comprehensive development pro forma including but not limited to land cost
21 (lease or purchase, equipment cost, construction, decommission cost etc., shall be
22 submitted with Final Plan application.
- 23 (N) Perimeter fencing shall be raised a minimum of 8 inches for wildlife passage and be
24 comprised of black coated chain link fence.
- 25 (O) A sign shall be posted at the entry of the SES displaying the name of the owner and
26 operator of the system and a twenty-four (24) hour emergency contact number.
- 27 (P) SES systems shall provide for motion detect lighting in maintenance areas and dark sky
28 compliant lighting elsewhere.
- 29 (Q) Applicant shall provide a decommissioning plan and cost estimate with the Final Plan
30 Application to ensure adequate removal at the end of useful life or abandonment.
- 31 (1) Funds deposited shall be equal in amount to removal of the system, as verified by
32 the City's peer review engineer, inclusive of 2% annual inflation over life of the
33 system with funds deposited into an interest bearing escrow account under City
34 control.
- 35 (2) Within one week after permanent shutdown, the owner, applicant, and or operator
36 shall notify the Building Official and remove the system within 6 months of said
37 notification. The City shall utilize escrow funds to remove all or remaining system
38 components beyond six months, with owner, applicant, and or operator liable for
39 all expenses beyond escrow, should escrow be exceeded. City shall retain the right
40 to fine the owner in accordance with local ordinances.

41

1 601.2 (A) A building or use accessory to a dwelling, including an attached, detached garage,
2 carport, solar canopy, or energy storage facility, shall not be located in any required front
3 or corner side yard....
4

5 601.10. *Accessory solar energy systems (SES) and energy storage facilities (ESF)*. Accessory
6 SESs or ESFs shall require a building permit only, shall not require Planning Board review
7 as land development projects, and shall be subject to the following requirements:
8

- 9 (A) Roof or building mounted SES must not increase the footprint of the structure.
- 10 (B) Accessory solar canopies, and ESFs in non-residential zones shall comply with all
11 operating standards outlined under Section 604.
- 12 (C) *Color and materials*. Solar canopies shall be visually and architecturally compatible with
13 the building, in terms of color, lighting, and basic form. Where appropriate, integrated
14 artwork, trim additions, or other such design features shall be used to improve
15 architectural compatibility. Ground level casings, conduits, and other electronics shall be
16 given similar treatment as the main structures of the solar canopies.
- 17 (D) Solar canopies shall include, by AASHTO or equivalent standards, lighting beneath
18 canopies to ensure pedestrian and vehicular safety.
- 19 (E) *Screening*. All ESFs be screened with a combination of opaque fencing and landscape
20 plantings. Screening plans shall be reviewed and approved by the city landscape
21 coordinator.
- 22 (F) Accessory solar canopies shall be shut down in the event of an abandonment or vacancy
23 of the primary use of the property to ensure public safety and ensure employment is not
24 displaced by solar canopies.

25
26 Section II: This Ordinance shall take effect upon passage.
27

28
29 SPONSORED BY:

30
31 COMMITTEE: ORDINANCE
32
33